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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,373	05/16/2001	Robert P. Kimberly	UAB-14202/22	5348

7590

06/20/2003

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EXAMINER

SAKELARIS, SALLY A

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The amendment to the claims filed on April 2, 2003 does not comply with the requirements for filing claims under the new revised format. This format requires that Applicants account for the status of all of the claims:

A. A Complete Listing of Claims is Always Required:

If an amendment adds, changes or deletes any claim, a detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remains under examination in the application, must be presented, and the amendment to the claims is expressed in the listing. The listing shall be presented as follows:

1. Ascending Order and Status Identifier Required

The listing shall be provided in sequential ascending numerical order (beginning with claim 1). A status identifier shall be provided for every claim in a parenthetical expression following the claim number (e.g.,

"Claim 1. (original)"). A list of acceptable status identifiers is set forth in part B, below. The text of all claims under examination shall be submitted each time any claim is amended.

Cancelled and withdrawn claims should be indicated by only the claim number and status.

The text of cancelled or withdrawn claims should not be presented.

2. Markings in Currently Amended Claims Required

All claims being currently amended shall be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). No separate "clean" version should be submitted for currently amended claims, as this requirement has been eliminated. Markings should only be made in claims being currently amended in an amendment paper.

3. Only Clean Text Required for Other Claims Under Examination.

The text of pending claims not being currently amended that are under examination shall be presented in a clean version in the listing. Any claim presented in clean version constitutes an assertion that it has not been changed relative to the immediate prior version.

4. Status to Effect Claim Cancellation or Addition.

A claim may be cancelled by merely indicating the status of the claim as cancelled. Any new claim added by amendment must be indicated by the appropriate status identifier and shall not be underlined. Thus, added new claims of status (new), (reinstated - formerly claim #_) and (re-presented - formerly dependent claim #_) must be presented in clean version. Additional claims may be subject to additional fees, as appropriate.

5. When Grouping of Claims is Permitted.

Consecutive cancelled or withdrawn claims may be aggregated into one line of the listing (e.g. Claims 1 - 5 (cancelled)).

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6. Use "Currently Amended" Status Where Applicable.

If any "previously reinstated" or "previously re-presented" claim is being amended, the status shall be indicated as "currently amended" with markings as indicated in paragraph A2, above. Multiple status identifiers should not be used for any single claim.

In particular, the reply filed on 4/2/2003 is not fully responsive to the prior Office Action because the amendment does not comply with the new format in that the complete listing of claims recites "Claim 33 (original)" as pending and also "Claims 34-35(Withdrawn)" while the remarks section of the response recites that "claims 31-33 and 35 have been cancelled." It is unclear as to the status of claims 33 and 34. Claim 33 depends from a cancelled claim 31, and is cancelled in the remarks section, but still appears as pending in the complete listing of claims. It is also unclear whether Claim 34 is cancelled, amended, unamended, claim was not previously withdrawn by restriction but is recited as such in the complete listing of claims, even though the remarks section emits any such similar recitation. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Sally Sakelaris whose telephone number is (703) 306-0284. The examiner can normally be reached on Monday-Thursday from 7:30AM-5:00PM and Friday from 1:00PM-5:00PM.

If attempts to reach the examiner are unsuccessful, the primary examiner in charge of the prosecution of this case, Carla Myers, can be reached at (703)308-2199. If attempts to reach the examiners are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703)308-1119. The fax number for the Technology Center is (703)305-3014 or (703)305-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to Chantae Dessau whose telephone number is (703)605-1237.

Sally Sakelaris

6/17/2003


CARLA J. MYERS
PRIMARY EXAMINER